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Agenda item 112

PERSONNEL QUESTIONS

Report of the Fifth Committee (Part III)

Rapporteur: Mr. Jorge OSELLA (Argentina)

I. INTRODUCTION

1. The previous recommendations made by the Fifth Committee to the General Assembly under agenda item 112 appear in the report of the Committee contained in documents A/47/708 and Add.1.

2. The Fifth Committee further considered the item at its 57th meeting, on 19 March 1993. In addition to the documents listed in paragraph 3 of A/47/708/Add.1, the Committee had before it an addendum to the report of the Secretary-General on amendments to the Staff Regulations of the United Nations (A/C.5/47/42/Add.2).

3. The comments and observations made in the course of the Committee's further consideration of the item are reflected in the relevant summary record (A/C.5/47/SR.57).

II. CONSIDERATION OF PROPOSALS

4. At the 57th meeting, on 19 March 1993, the Vice-Chairman of the Committee, following informal consultations, introduced a draft resolution (A/C.5/47/L.21) and two draft decisions (A/C.5/47/L.34 and A/C.5/47/L.35).

5. At the same meeting, the Committee adopted draft resolution A/C.5/47/L.21 without a vote (see para. 9).

6. Also at the same meeting, the Committee adopted draft decision A/C.5/47/L.34 without a vote (see para. 10, draft decision I).

7. Also at the same meeting, the Committee adopted draft decision A/C.5/47/L.35 without a vote (see para. 10, draft decision II).

8. Statements in explanation of position were made by the representatives of Mexico, the United States of America, Australia, India, Pakistan, Hungary, Senegal, China, France, Algeria, Cuba, Germany, Indonesia, Italy and the Islamic Republic of Iran.

III. RECOMMENDATIONS OF THE FIFTH COMMITTEE

9. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Recalling Articles 8, 97, 100 and 101 of the Charter of the United Nations,

Reaffirming its resolutions 45/239 of 21 December 1990 and 46/232 of 2 March 1992,

Bearing in mind the views expressed by Member States on personnel questions in the Fifth Committee during its forty-seventh session,

Noting with appreciation the statement on personnel questions made by the Secretary-General to the Fifth Committee on 6 November 1992,

Having considered the reports on personnel questions 1/ presented by the Secretary-General to the forty-seventh session of the General Assembly,

Having heard the views expressed by the recognized staff representatives in the Fifth Committee in accordance with its resolution 35/213 of 17 December 1980,

Recognizing that the staff of the Organization is an invaluable asset of the United Nations, and commending its contribution to furthering the purposes and principles of the United Nations,

1. Reiterates its full support for the Secretary-General as the chief administrative officer of the Organization, and underlines its full respect for his prerogatives and responsibilities under the Charter of the United Nations;

2. Stresses the importance of ensuring that personnel management is conducive to the recruitment and retention of staff of the highest quality;

3. Urges the Secretary-General to review and improve, where necessary, all personnel policies and procedures with a view to making them more simple,

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1/ A/47/416, A/47/508, A/C.5/46/2, A/C.5/46/7, A/C.5/46/9, A/C.5/46/13, A/C.5/46/16, A/C.5/47/5, A/C.5/47/6, A/C.5/47/9, A/C.5/47/20 and Corr.1, A/C.5/47/42 and Add.1 and 2 and A/C.5/47/43.

transparent and relevant to the new demands placed upon the Secretariat, while promoting the full development of staff potential;

4. Takes note of the comments in the report submitted by the Secretary-General on "Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations" 2/ on how best to assist and rehabilitate staff members in dealing with the after-effects of traumatic and stressful security-related experiences, and looks forward to receiving further information thereon at its forty-ninth session;

5. Reaffirms the need for the Secretary-General to use to the fullest extent the staff-management consultative mechanisms set out in article 108.2 of the Staff Rules;

6. Requests the Secretary-General to implement appropriate measures to ensure that no restriction or discrimination exists in the United Nations for the recruitment, appointment and promotion of men and women;

I. PERSONNEL MANAGEMENT PLANNING

Welcoming the integrated approach adopted by the Secretary-General to personnel management planning,

A. Recruitment

Reaffirming, in accordance with the Charter of the United Nations, that the paramount consideration in the appointment, promotion, granting or reviewing of permanent contracts and career development of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity; and with respect to recruitment, that due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible,

Noting the positive results of national competitive examinations for posts at junior Professional levels as a useful tool for recruitment of highly qualified staff,

1. Requests the Secretary-General to expedite the national competitive examination process at the P-1 and P-2 levels;

2. Also requests the Secretary-General to further his efforts to introduce the competitive examination process at the P-3 level, with due regard to the promotion prospects of staff members at the P-2 level and with a maximum of efficiency and economy;

3. Further requests the Secretary-General to take all necessary measures to speed up the examination process and to ensure that successful candidates are offered positions without delay;

2/ A/C.5/47/14.

4. Further requests the Secretary-General:

(a) To continue to recruit external candidates in a manner consistent with Staff Regulation 4.4;

(b) To ensure that the vacancy announcement bulletins are given the widest possible circulation, inter alia by distributing them without delay to the Permanent Missions to the United Nations; and

(c) To ensure that the recruitment process is completed as quickly as possible while allowing sufficient time for applications to be received;

5. Expresses the hope that the Secretary-General would end the temporary suspension of recruitment as soon as possible;

1. Composition of the Secretariat

Noting that the temporary suspension of recruitment, together with a growing number of new Member States has affected the representation of Member States in the Secretariat,

1. Reaffirms that no post should be considered the exclusive preserve of any Member State or group of States;

2. Recognizes that the system of desirable ranges has been established as one of the guiding principles to provide in the recruitment of staff for geographical representation of Member States in posts subject to geographical distribution in accordance with Article 101, paragraph 3, of the Charter;

3. Urges the Secretary-General, whenever making appointments at all levels to posts subject to geographical distribution, to continue his efforts to ensure that all Member States, in particular the unrepresented and underrepresented Member States, are adequately represented in the Secretariat, bearing in mind the need to increase the number of staff recruited from Member States below the midpoint of their desirable ranges;

4. Decides to establish an open-ended Working Group of the Fifth Committee of the General Assembly, and requests its Chairman to convene a meeting of the Working Group for one week at Headquarters, in the spring of 1993, to consider the formula for the determination of equitable geographical representation of Member States in the Secretariat, on the basis of Article 101, paragraph 3, of the Charter, as set out in resolution 41/206 of 11 December 1986 and further outlined in resolutions 42/220 of 21 December 1987, 45/239, 46/232 and other relevant resolutions, and requests the Chairman of the Fifth Committee to report thereon to the General Assembly at its forty-eighth session, as an exceptional measure and without prejudice to the full implementation of resolution 46/220;

5. Requests the Secretary-General to exercise flexibility in the application of desirable ranges in individual recruitment cases, keeping in view all parts of the present resolution;

2. Secondment

Reaffirming that there are differences inherent in the secondment of staff from government service to the United Nations and secondment between agencies of the United Nations common system,

1. Reaffirms that secondment from government service is consistent with Articles 100 and 101 of the Charter of the United Nations and that it can be beneficial to both the Organization and Member States;

2. Decides that secondment from government service should, irrespective of the length of its period, be based on a tripartite agreement among the Organization, the Member State and the staff member concerned;

3. Decides that the renewal of a fixed-term appointment that extends the secondment status of a staff member seconded from government service shall be subject to agreement by the Organization, the Government and the staff member concerned;

4. Calls on the Secretary-General, in consultation with the International Civil Service Commission, to develop a standardized contracting procedure to be used for secondments into and out of the Organization that would take into account the legitimate interests of all the three parties mentioned in paragraph 3, while assuring that the conditions set out in Articles 100 and 101 of the Charter and in the Staff Rules are respected;

5. Amends Staff Regulation 4.1 and annex II to the Staff Regulations as follows:

Regulation 4.1: As stated in Article 101 of the Charter, the power of appointment of staff members rests with the Secretary-General. Upon appointment, each staff member, including a staff member on secondment from government service, shall receive a letter of appointment in accordance with the provisions of annex II to the present Regulations and signed by the Secretary-General or by an official in the name of the Secretary-General;

Annex II

LETTERS OF APPOINTMENT

(a) The letter of appointment shall state:

(i) That the appointment is subject to the provisions of the Staff Regulations and the Staff Rules applicable to the category of appointment in question and to changes which may be duly made in such regulations and rules from time to time;

(ii) The nature of the appointment;

(iii) The date at which the staff member is required to enter upon his or her duties;

(iv) The period of appointment, the notice required to terminate it and period of probation, if any;

(v) The category, level, commencing rate of salary and, if increments are allowable, the scale of increments and the maximum attainable;

(vi) Any special conditions which may be applicable;

(b) A copy of the Staff Regulations and the Staff Rules shall be transmitted to the staff member with the letter of appointment. In accepting appointment the staff member shall state that he or she has been acquainted with and accepts the conditions laid down in the Staff Regulations and in the Staff Rules;

(c) The letter of appointment of a staff member on secondment from government service signed by the staff member and by or on behalf of the Secretary-General, and relevant supporting documentation of the terms and conditions of secondment agreed to by the Member State and the staff member, shall be evidence of the existence and validity of secondment from government service to the Organization for the period stated in the letter of appointment;

3. Employment of spouses

Considering that employment possibilities for spouses accompanying staff members contribute to attracting and retaining the most qualified staff,

Noting that the absence of these possibilities may also be an obstacle to the mobility of staff,

1. Invites the Secretary-General to actively pursue the possibilities of employment of spouses accompanying staff members;

2. Also invites the Secretary-General, in his capacity as Chairman of the Administrative Committee on Coordination, to review with his colleagues in the Committee ways to improve coordination and reduce impediments to the employment of qualified spouses accompanying staff members of the United Nations common system organizations, and to report thereon to the General Assembly at its forty-ninth session;

3. Invites Governments in host countries to consider granting work permits for or otherwise enabling the employment of spouses accompanying staff members of international organizations;

B. Career development

Recognizing that career development is an indispensable part of an effective management of personnel,

Believing that exchange of staff between national Governments and United Nations organizations can enhance their effectiveness and career development,

1. Endorses the underlying principles contained in the reports of the Secretary-General on career development at the United Nations 3/ and the training programme in the Secretariat; 4/

2. Recognizes that the implementation of the career development system as proposed by the Secretary-General in his report on career development at the United Nations requires enhancement of and respect for the authority of the Office of Human Resources Management in accordance with the pertinent recommendations of the Group of High-Level Intergovernmental Experts to Review the Efficiency and Financial Functioning of the United Nations;

3. Urges the Secretary-General to undertake without delay a complete review of the performance evaluation system currently in use in the Secretariat, in consultation with the International Civil Service Commission as appropriate, with a view to developing it into an effective system that accurately assesses staff performance and improves staff accountability as part of the career development system;

4. Requests the Secretary-General to accord priority to the career development needs of staff through appropriate training and rotation of assignments, as appropriate;

5. Endorses the proposals of the Secretary-General to improve the training programme, stresses the need to focus training towards priority areas of the Organization and concurs with the Secretary-General that appropriate resourcing for training is important;

6. Urges the Secretary-General to ensure that under the responsibility of the Office of Human Resources Management effective career counselling is provided to staff in order to adequately assist them in their career planning;

7. Requests the Secretary-General to ensure that for those staff members whose performance evaluations consistently show poor levels of performance, procedures outlined under paragraph (a) of Staff Regulation 9.1 are effectively applied;

8. Also requests the Secretary-General to explore ways and means to encourage exchange of staff between the United Nations and national Governments and international organizations and to report thereon to the General Assembly at its forty-ninth session;

3/ A/C.5/47/6.

4/ A/C.5/47/9.

9. Further requests the Secretary-General to examine or review the possibility and desirability of achieving an appropriate flexibility between career and fixed-term appointments, taking into account the functional and structural needs of the Organization as well as the requirements of a career international civil service, and to report thereon to the General Assembly at its forty-ninth session;

10. Notes the implementation of the mobility pilot project in the occupational group of administrative staff, as outlined in the report of the Secretary-General on career development at the United Nations;

11. Requests the Secretary-General to incorporate in the programme of activities for the Office of Human Resources Management an equal employment opportunity programme, taking due account of the existence of the Focal Point for Women, within the existing level of the budget provision for that Office, and entailing procedures to ensure that opportunities for staff selection and advancement are extended on the basis of merit, efficiency, competence and integrity and do not discriminate against staff of either gender, and also requests that these principles be applied by the Secretariat in its pursuit of the benchmarks set in resolution 45/239 C for the participation of women in Professional posts in the Secretariat and in pursuing the goal of the Secretary-General announced in the Fifth Committee on 6 November 1992;

12. Encourages the Secretary-General to take into account the knowledge of a second official United Nations language in the promotion of all Professional staff, in accordance with relevant General Assembly resolutions;

13. Urges the Secretary-General to introduce appropriate measures in conjunction with the International Civil Service Commission to enhance the motivation of the staff in order to increase creativity and productivity;

C. Improvement of the status of women in the Secretariat

Recalling Articles 8 and 101 of the Charter of the United Nations,

Recalling the goals set in its resolution 45/239 C,

Reaffirming that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibility for administrative, budgetary and personnel matters, including, inter alia, the issue of representation of women in the Secretariat,

Recognizing that the advancement of women in the Secretariat requires commitment,

Noting the intention of the Secretary-General to bring the gender balance in policy-level positions as close to 50:50 as possible by the fiftieth anniversary of the United Nations,

1. Urges the Secretary-General to implement the action programme contained in his report on improvement of the status of women in the

Secretariat 5/ designed to overcome the obstacles to the improvement of the status of women in the Secretariat;

2. Requests the Secretary-General to accord high priority to the recruitment and promotion of women to posts subject to geographical distribution, particularly at the senior policy and decision-making levels, in order to achieve the goals set in its resolution 45/239 C;

3. Encourages the Secretary-General to improve the role of the Focal Point for Women in its pursuit to reach the benchmarks set out in its resolution 45/239 C;

4. Appeals to all Member States to support the efforts of the United Nations, the specialized agencies and related organizations to increase the participation of women in posts in the Professional category and above, by identifying and nominating more women candidates, especially for senior policy-level and decision-making posts, encouraging more women to apply for vacant posts and to sit for the national competitive examinations where applicable and creating and maintaining national rosters of women candidates to be shared with the United Nations, the specialized agencies and related organizations.

II. ADMINISTRATION OF JUSTICE

The General Assembly,

1. Regrets that the report on the administration of justice called for in its resolution 45/239 B has not been submitted to the General Assembly at its forty-seventh session;

2. Stresses the importance of a just, transparent, simple, impartial and efficient system of internal justice in the Secretariat;

3. Requests the Secretary-General to undertake a comprehensive review of the system of administration of justice, in response to the request contained in its resolution 45/239 B, taking into account the concrete suggestions for improvement of the system proposed by Member States during the forty-fifth session of the General Assembly, in consultation with the staff representatives as appropriate, and to submit a report thereon including, inter alia, information on costs arising to Member States from the system, to the General Assembly not later than its forty-ninth session;

4. Takes note with satisfaction of the policies, guidelines and procedures issued by the Secretary-General on 29 October 1992 6/ regarding the equal treatment of men and women in the Secretariat, including those seeking to eliminate sexual harassment from working relationships in the United Nations;

5/ A/47/508.

6/ ST/SGB/253, ST/AI/379 and ST/IC/1992/67.

5. Encourages the Secretary-General to implement fully these policies, guidelines and procedures and improve them as necessary;

III. REPORTING

The General Assembly,

1. Requests the Secretary-General to submit a comprehensive report to the General Assembly at its forty-ninth session on the implementation of all the aspects covered in this resolution;

2. Requests the Secretary-General to resume the annual publication of the list of staff of the United Nations Secretariat as of 30 June 1993;

IV. AMENDMENTS TO THE STAFF REGULATIONS

The General Assembly,

Taking note of the reports of the Secretary-General on amendments to the Staff Regulations of the United Nations, 7/

Approves the amendments to the Staff Regulations of the United Nations as set forth in the annex to the present resolution.

ANNEX

Amendments to the Staff Regulations of the United Nations

Regulation 3.2, paragraph (a)

Replace the existing paragraph by the following text:

Regulation 3.2: (a) The Secretary-General shall establish terms and conditions under which an education grant shall be available to a staff member serving outside his or her recognized home country whose dependent child is in full-time attendance at a school, university or similar educational institution of a type that will, in the opinion of the Secretary-General, facilitate the child's reassimilation in the staff member's recognized home country. The grant shall be payable in respect of the child up to the end of the fourth year of post-secondary studies or the award of the first recognized degree, whichever is the earlier. The amount of the grant per scholastic year for each child shall be 75 per cent of the admissible educational expenses actually incurred, subject to a maximum grant as approved by the General Assembly. Travel costs of the child may also be paid for an outward and return journey once in each scholastic year between the educational institution and the duty station, except that in the case of staff members serving at designated duty stations where schools do not exist that provide schooling in the language or in the cultural tradition

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7/ A/C.5/46/16 and A/C.5/47/42 and Add.1 and 2.

desired by staff members for their children, such travel costs may be paid twice in the year in which the staff member is not entitled to home leave. Such travel shall be by a route approved by the Secretary-General, but not in an amount exceeding the cost of such a journey between the home country and the duty station.

Regulation 3.2, paragraph (b)

Replace the existing paragraph by the following text:

(b) The Secretary-General shall also establish terms and conditions under which, at designated duty stations, an additional amount of 100 per cent of boarding costs subject to a maximum amount per year as approved by the General Assembly may be paid in respect of children in school attendance at the primary and secondary levels.

Regulation 3.2, paragraph (d)

Replace the existing paragraph by the following text:

(d) The Secretary-General shall also establish terms and conditions under which an education grant shall be available to a staff member whose child is unable, by reason of physical or mental disability, to attend a normal educational institution and therefore requires special teaching or training to prepare him or her for full integration into society or, while attending a normal educational institution, requires special teaching or training to assist him or her in overcoming the disability. The amount of this grant per year for each disabled child shall be equal to 100 per cent of the educational expenses actually incurred, up to a maximum amount approved by the General Assembly.

Regulation 3.3, subparagraph (b) (iii)

Replace the existing subparagraph by the following text:

(iii) The Secretary-General shall determine which of the scales of assessment set out in subparagraphs (i) and (ii) above shall apply to each of the groups of personnel whose salary rates are established under paragraph 5 of annex I to the present Regulations.

Regulation 3.4, paragraph (a)

Replace the existing paragraph by the following text:

(a) Staff members whose salary rates are set forth in paragraphs 1 and 3 of annex I to the present Regulations shall be entitled to receive dependency allowances for a dependent child, for a disabled child and for a secondary dependent at rates approved by the General Assembly as follows:

(i) The staff member shall receive an allowance for each dependent child, except that the allowance shall not be paid in respect of the first dependent child if the staff member has no dependent spouse, in which case the staff member shall be entitled to the dependency rate of staff assessment under subparagraph (b) (i) of regulation 3.3;

(ii) The staff member shall receive a special allowance for each disabled child. However, if the staff member has no dependent spouse and is entitled to the dependency rate of staff assessment under subparagraph (b) (i) of regulation 3.3 in respect of a disabled child, the allowance shall be the same as the allowance for a dependent child in (i) above;

(iii) Where there is no dependent spouse, a single annual allowance shall be paid for a secondary dependent in respect of either a dependent parent, a dependent brother or a dependent sister.

Regulation 3.4, paragraph (d)

Replace the existing paragraph by the following text:

(d) Staff members whose salary rates are set by the Secretary-General under paragraph 5 or paragraph 6 of annex I to the present Regulations shall be entitled to receive dependency allowances at rates and under conditions determined by the Secretary-General, due regard being given to the circumstances in the locality in which the office is located.

Annex I

Salary scales and related provisions

Replace paragraphs 1 to 10 of annex I by the following text:

1. The Secretary-General shall establish the salary of the Administrator of the United Nations Development Programme and the salaries of United Nations officials in the Director category and above, in accordance with amounts determined by the General Assembly, subject to the staff assessment plan provided in staff regulation 3.3 and to post adjustments wherever applied. If otherwise eligible, they shall receive the allowances that are available to staff members generally.

2. The Secretary-General is authorized, on the basis of appropriate justification and/or reporting, to make additional payments to United Nations officials in the Director category and above to compensate for such special costs as may be reasonably incurred, in the interests of the Organization, in the performance of duties assigned to them by the Secretary-General. Similar additional payments in similar circumstances may be made to heads of offices away from Headquarters. The maximum total amount of such payments is to be determined in the programme budget by the General Assembly.

3. Except as provided in paragraph 5 of the present annex, the salary scales and the scales of post adjustments for staff members in the Professional and higher categories shall be as shown in the present annex.

4. Subject to satisfactory service, salary increments within the levels set forth in paragraph 3 of the present annex shall be awarded annually, except that any increments above step XI of the Associate Officer level, step XIII of the Second Officer level, step XII of the First Officer level, step X of the Senior Officer level and step IV of the Principal Officer level shall be preceded by two years at the previous step. The Secretary-General is authorized to reduce the interval between salary increments to ten months and twenty months, respectively, in the case of staff subject to geographical distribution who have an adequate and confirmed knowledge of a second official language of the United Nations.

5. The Secretary-General shall determine the salary rates to be paid to personnel specifically engaged for short-term missions, conferences and other short-term service, to consultants, to Field Service personnel and to technical assistance experts.

6. The Secretary-General shall fix the salary scales for staff members in the General Service and related categories, normally on the basis of the best prevailing conditions of employment in the locality of the United Nations office concerned, provided that the Secretary-General may, where he deems it appropriate, establish rules and salary limits for payment of a non-resident allowance to General Service staff members recruited from outside the local area.

7. The Secretary-General shall establish rules under which a language allowance may be paid to staff members in the General Service category who pass an appropriate test and demonstrate continued proficiency in the use of two or more official languages.

8. In order to preserve equivalent standards of living at different offices, the Secretary-General may adjust the basic salaries set forth in paragraphs 1 and 3 of the present annex by the application of non-pensionable post adjustments based on relative costs of living, standards of living and related factor at the office concerned as compared to New York. Such post adjustments shall not be subject to staff assessment.

9. No salary shall be paid to staff members in respect of periods of unauthorized absence from work unless such absence was caused by reasons beyond their control or duly certified medical reasons.

* * *

10. The Fifth Committee also recommends to the General Assembly the adoption of the following draft decisions:

DRAFT DECISION I

Documents relating to personnel questions

The General Assembly,

Recalling the need to review periodically the Staff Rules and to report annually to the General Assembly the full text of provisional staff rules and amendments,

Decides to take note of the reports of the Secretary-General to the General Assembly at its forty-sixth 8/ and forty-seventh 9/ sessions on amendments to the Staff Rules.

DRAFT DECISION II

Personnel Questions

The General Assembly

Requests the Secretary-General to bring to the attention of the General Assembly at its forty-eighth session updated information on the situation of United Nations staff members with special regard to violations of privileges and immunities, taking into account resolutions 45/240 of 21 December 1990 and 47/28 of 25 November 1992, as well as any other urgent matter relating to personnel questions he deems necessary for consideration by the General Assembly during its forty-eighth session.

8/ A/C.5/46/13.

9/ A/C.5/47/43.